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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

**C. JAY SMITH, et al.,**

Plaintiff,

**v.**

**R. DIAZ, et al.,**

Defendants.

4:20-cv-04335-HSG

**JOINT REQUEST TO EXTEND  
 DISPOSITIVE MOTION HEARING  
 DEADLINE BY ONE WEEK;  
 ORDER**

Judge: The Honorable Haywood S.  
 Gilliam, Jr.

Trial Date: December 9, 2024

Action Filed: June 29, 2020

The parties jointly request a one-week extension of the dispositive motion hearing deadline, from August 22, 2024, to August 29, 2024. The current deadlines in this case are articulated in the Second Amended Scheduling Order. (ECF 96.) The dispositive motion hearing deadline is August 22, 2024. The close of expert discovery is July 12, 2024.

In order to comply with the Northern District Local Rules, a dispositive motion that can be heard on August 22, 2024, must be filed by July 18, 2024. However, the Court's online schedule

1 indicates that the Court is unavailable to hear any motions the week of August 22, 2024. Thus, the  
 2 dispositive motion hearing deadline is effectively pushed up one week, to August 15, 2024, with  
 3 the filing deadline of July 11, 2024. This effective filing deadline expires before the close of  
 4 expert discovery on July 12, 2024. This incidental modification to the scheduling order deprives  
 5 the parties of part of expert discovery, which both parties agree they need.

6 Because the parties jointly agree that they will need to complete expert discovery before  
 7 preparing dispositive motions, and do not believe the Court intended to implement a dispositive  
 8 motions filing deadline prior to the closing of expert discovery, the parties jointly request that the  
 9 Court extend the dispositive motion hearing deadline out one week to August 29, 2024.

10 Granting this joint request would not otherwise impact the scheduling order.

11 Dated: June 21, 2024

Respectfully submitted,

12 /s/ Jennifer Orthwein

13 Jennifer Orthwein  
 14 Alexander Brooks  
 15 ORTHWEIN LAW, PC  
 16 Attorneys for Plaintiff  
 17 C. Jay Smith

18 Dated: June 21, 2024

Respectfully submitted,

19 ROB BONTA  
 20 Attorney General of California  
 21 PREETI K. BAJWA  
 22 Supervising Deputy Attorney General

23 /s/ Shaina Alcheck

24 SHAINA ALCHECK  
 25 Deputy Attorney General  
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**ATTORNEY ATTESTATION**

I hereby attest, pursuant to Local Rule 5-1(i)(3), that I obtained the concurrence in the filing of this document from the signatories indicated by the conformed signature (/s/).

/s/ *Shaina Alcheck*  
Shaina Alcheck

**ORDER**

Good Cause appearing, for the reasons discussed above, the Joint Motion to Extend the Dispositive Motion Hearing Deadline by one week, up to and including August 29, 2024. Any dispositive motions must be heard by August 29, 2024. All other scheduling deadlines remain unchanged.

**IT IS SO ORDERED.**

DATED: 6/21/2024

  
The Honorable Haywood S. Gilliam, Jr.